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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,521	12/14/2001	Hiroshi Yabe	XA-9598	3563
181 7590 10/08/2008 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833				
EXAMINER RODRIGUEZ, PAMELA				
ART UNIT 3657		PAPER NUMBER		
NOTIFICATION DATE 10/08/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocketing@milestockbridge.com
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Office Action Summary

Application No.

10/014,521

Applicant(s)

YABE ET AL.

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 5-8 is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Request for Reconsideration filed July 16, 2008 has been received and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima.

Regarding Claim 9, see Claim 5 above and note the plurality of friction plates 1.

However, Fukushima does not disclose that the friction plates are provided with a wet-type friction material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the friction plates of Fukushima to be of the wet-type as a matter of design preference, dependent upon the desired type of torque to be transmitted. A wet-type friction material friction plate would merely be an alternate equivalent means of transmitting the torque throughout the system.

Regarding Claim 10, note that friction plates 1 are pressed by a spring 55

Regarding Claim 11, Fukushima discloses that the friction plates 1 are arranged with a torque transmission member 52 disposed therein.

However, Fukushima does not disclose that the transmission member is a torque transmission plate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the balls of Fukushima for a torque transmitting plate as an alternate means of transmitting the torque throughout the system. Whether a ball structure or a plate type structure is used, as long as the torque is properly transmitted, the means used to do so is merely a matter of design choice.

Regarding Claim 12, Fukushima discloses that the friction plates 1 are engaged with a torque transmitting member 10 of the damper (see Figure 1) and the torque transmission means/plate is engaged with the drive plate 3.

However, Fukushima does not disclose that the engagement between these mating parts is a spline type of engagement.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the friction plates of Fukushima to be spline-engaged with the torque transmitting member and the torque transmission means (plate) to be spline-engaged with the drive plate as an alternate means of securing the attachment between the mating parts. As long as some sort of connection is maintained between the friction plates and the torque transmitting member and between the torque transmission plate and the drive plate, the means used to secure the parts together is arbitrary.

Regarding Claim 13, Fukushima discloses that the friction plates 1 are engaged with a radially adjacent member 10.

However, Fukushima does not disclose that the engagement between the parts is a spline-type of engagement.

See the obviousness statement for Claim 12 above which applies here as well.

Allowable Subject Matter

4. Claims 2 and 5-8 are allowed.

Response to Arguments

5. Applicant's arguments, see the response, filed July 16, 2008, with respect to Claims 2, 5, and 7 have been fully considered and are persuasive. Thus, the rejections of Claims 2 and 5-8 have been withdrawn.

6. Applicant's arguments filed July 16, 2008 with respect to Claims 9-13 have been fully considered but they are not persuasive.

Applicant argues that the limitation previously added to Claim 9 concerning the friction plates being made of a wet-type friction material is not disclosed in Fukushima. Element 1 of the reference represents an input case and evidently does not meet the claimed friction plates provided with a wet-type friction material.

In response to this, see the examiner's rejection to this limitation above. The examiner contends that constructing the friction plates to be provided with a wet

material is merely a design choice. And as long as torque is limited through the damper, the type of friction plate used to perform this function is arbitrary.

Next, applicant argues that the torque limiting effect in Fukushima is provided by an arrangement of cooperating conical depressions and spherical balls and thus, Claim 9 as amended, distinguishes patentably from Fukushima.

While applicant is correct that Fukushima provides torque limiting in a different manner than that of applicant, the claim language is at issue here. And with regards to Claim 9, applicant merely requires the same structural components as provided in Fukushima with the addition of a wet-type friction plate, which is merely an alternate equivalent type of plate. Therefore, at least when the claims are given their broadest reasonable interpretation, the rejections presented to this extent are feasible.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5:30 AM - 4 PM and Tuesdays 5 AM - 11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pam Rodriguez
Primary Examiner
Art Unit 3683

/Pam Rodriguez/
Primary Examiner, Art Unit 3683
09/30/08

